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Miklos Sagi

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BANNER & WITCOFF

1001 G STREET N W

SUITE 1100

WASHINGTON, DC 20001

EXAMINER

CHANKONG, DOHM

ART UNIT

PAPER NUMBER

2152

DATE MAILED: 02/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/893,578

Applicant(s)

SAGI, MIKLOS

Examiner

Dohm Chankong

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 November 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 16-49 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 16-49 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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DETAILED ACTION

1> This action is in response to Applicant's request for continued examination. Claims 32-49 have been added. Claims 16-49 are now presented for further examination.

2> This is a non-final rejection.

Continued Examination Under 37 CFR 1.114

3> A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11.28.2005 has been entered.

Response to Arguments

4> Applicant's arguments have been fully considered but they are not persuasive. Applicant argues in substance: (a) the prior art references do not disclose a pre-loadable indication for an item of information; and (b) Blount does not disclose displaying a list of selected items of information for which further information has been received.

5> In regards to (a), Applicant's argument disregards what would have been obvious and well known to one of ordinary skill in the art at the time the invention was made.

Applicant's argument hinges on Applicant's assertion that the Lambert reference merely

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discloses lookahead tags for web pages, and not for links. However Lambert discloses a system where items of information, such as video, audio and images, are associated with the lookahead tag; those items that are without a tag are not preloaded [column 20 «lines 20-29» | column 21 «lines 46-55» | column 22 «line 56»]. Lambert's lookahead tag thus can control whether or not images, videos or audio are prefetched.

It is clear to one of ordinary skill in the art that since Lambert's information is implemented over a network, the these items of information, video, audio and images are represented by links. This is implicated because the video, audio and images are located and the server, and the tag determines whether or not they are retrieved. Thus, these items of information are associated with a preloadable indication as broadly claimed. Furthermore, it should be noted that the independent claim language had not limited "items of information" to only links.

Additionally, Lambert does disclose associating links with the tag information [column 20 «lines 36-41» : where "cnn.com" associated with the lookahead tags].

6> In regards to (b), Applicant further asserts Blount discloses "a display of an overall status page that includes a list of all requests, whether they have been received or not, rather than the claimed list of selected items of information for which further information has been received". Applicant's remarks, ¶ 1. However, prior to new claims 42 and 43, Applicant's claim language did not mandate that the list consist solely of selected items of information for which further information has been received. Blount, as admitted by Applicant, discloses a list of requests (selected items of information), the list including requests for which further

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information has been received. As Applicant's claim 19-21 and 30 do not preclude displaying requests for which further information has not been received, Blount's list reads on the claimed limitations.

7> Applicant has also introduced new claims, the substance of which is directed towards displaying only the list of the selected items for which information has been received without showing any selected items for which information has not been received.

Applicant's claims 42, 46. This language seems to be directed towards distinguishing over the list functionality disclosed in Blount whereby displaying the list of selected items includes selected items for both information has and has not been received.

However, the difference in Applicant's claim is not a patentable distinction over the prior art. Blount discloses that a user may delete any of the requests, including those requests that have not received the information [column 15 «lines 59-63»]. To achieve the functionality described in Applicant's claims, a user of Blount's system merely need to delete the requests that have not yet been received, leaving the requests that have received their information. Thus, the limitations of Applicant's claim merely automate what a user can do manually, and therefore is not a patentable distinction over the prior art reference Blount.

See also ¶ 41 and 42 below.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8> Claims 16, 18, 19, 22-26, 28-30, 32-39, 41, 44 and 45 are rejected under 35 U.S.C § 103(a) as being unpatentable over Blount in view of Slotznick, U.S Patent No. 6,011,537, in further view of Lambert et al, U.S Patent No. 6,038,601 ["Lambert"].

9> As to claim 16, Blount discloses a method of accessing remote data from a portable device [column 1 «lines 6-8»], comprising:

monitoring a user interface of the portable device for a selection of an item of information from a plurality of items of information presented to the user of the portable device on a display, each of the plurality of items of information being associated with further information stored on by a remote server [column 1 «lines 32-47» where: Blount's hyper-link statements are analogous to a plurality of items of information];

in response to the selection of an item of information from the plurality of items of information, sending a first request to the remote server for the further information [Figure 5 «item 264»];

waiting for the receipt of said associated information in response to said first request [column 3 «lines 45-56»];

while waiting for the receipt of said associated information, monitoring for a subsequent selection of a further item of information from said plurality of items of information and, in response to a subsequent selection, sending a request for the associated

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information of said further item of information to a remote server [column 3 «lines 45-56» | column 8 «lines 17-33»].

Blount disclose on receipt of said associated information, presenting to a user an indicator to indicate this receipt and that this indicator [column 15 «lines 16-44»] but does not specifically disclose an indicator comprising the momentary display of the received associated information nor does he disclose the items including a preloadable indication.

10> Slotznick discloses a momentary display of received associated information [column 26 «lines 5-18» | column 32 «lines 57-65»] for the expressed purpose of giving the client a glimpse of the information that has been received from the server. It would have been obvious to one of ordinary skill in the art to incorporate Slotznick's data displaying functionality, i.e. predetermined amount of time to display the information to the client, as a notification device in Blount to allow the client a notification and quick glimpse at the information downloaded while staying true to Blount's invention of allowing the user to continue working and without being overwhelmed [Blount - column 15 «lines 30-37»].

11> Lambert discloses items of information including a preloadable indication, and in response to detecting the preloadable indication, sending a request for more information [column 20 «lines 5-42» | column 21 «lines 46-67» where : Lambert's lookahead tag is analogous to a preloadable indication. For instance, the tag specifies whether or not to perform the lookahead (preload) of images, audio or video files associated with already retrieved web pages]. The use of a lookahead-type functionality is well known in the art

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(prefetch, preload, etc) as are its substantial benefits for saving the user time when accessing a network [see Lambert, column 15 «lines 38-40»]. It would have been obvious to incorporate Lambert's lookahead tags into Blount's documents to enable preloading capability in Blount's remote data retrieval system. One would have been motivated to provide such lookahead in Blount increase the data retrieval capability of his mobile devices in a wireless network.

12> As to claim 18, Blount discloses a method according to claim 16, wherein the further information associated with the further request is subsequently presented to the user in response to an input by the user [column 5 «lines 61-63»].

13> As to claim 19, Blount, Slotznick and Lambert disclose the limitations of claim 16, Blount further disclosing:

receiving further information and storing the further information in a memory, forming a list of the selected items of information for which the further information has been received, displaying the list on the display of the device, monitoring for a selection of an item of information from the list and retrieving from memory the further information associated with the item selected from the list [column 15 «lines 38-63»].

14> As to claim 22, Blount does not disclose a method according to claim 1 wherein on presentation of the plurality of items of information to the user a request is sent to the remote server for the associated information for all the items of information presented to the user.

15> Lambert discloses a method according to claim 16 wherein on presentation of the plurality of items of information to the user a request is sent to the remote server for the associated information for all the items of information presented to the user [column 6 «lines 38-39» | column 16 «lines 43-47»] for the expressed purpose of prefetching the associated information for all the items of information presented to the user. Therefore it would have been obvious to one of ordinary skill in the art to incorporate Lambert's prefetching functionality into Blount for the obtained advantage of speeding information download to the mobile handheld device, especially useful in the transient world of wireless communications.

16> As to claim 23, Blount does not disclose a method of claim 22, wherein, when a user selects and information from the plurality of items of information, a check is made to ascertain whether the associated information of the selected item has already been received by the portable device and, when the associated information of the selected item has not already been received by the portable device, sending a request to the remote server for the information associated with the selected item.

17> Lambert discloses a method of claim 22, wherein, when a user selects and information from the plurality of items of information, a check is made to ascertain whether the associated information of the selected item has already been received by the portable device and, when the associated information of the selected item has not already been received by

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the portable device, sending a request to the remote server for the information associated with the selected item [column 5 «lines 54-60» | column 6 «lines 43-45»] for the expressed purpose of obtaining the specific content desired and requested by the user. It would have been obvious to one of ordinary skill in the art to incorporate Lambert's caching and user request priority system into Blount for the obtained advantage of prioritizing user-specified requests as the most important request sent from the client device.

18> As to claim 24, Blount does not disclose canceling the request for the associated information for all of the items of information when a request for the information associated with the selected item is sent.

19> Lambert discloses a method further comprising canceling the request for the associated information for all of the items of information when a request for the information associated with the selected item is sent [column 16 «lines 66-67» | column 37 «lines 15-37» | column 38 «lines 1-9»]. It would have been obvious to one of ordinary skill in the art to further implement Lambert's request priority system into Blount to emphasize user-specified requests in terms of their importance of being serviced by the server. Implementing such a system would allow more efficient use of bandwidth in Blount's network.

20> As to claims 25 and 28, as they are merely claims to a portable device and browser, respectively, that implement the steps of the method of claim 16, they do not teach or further

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define over the limitations of claim 16. Therefore claims 25 and 28 are rejected for the same reasons set forth for claim 16, supra.

21> As to claim 26, Blount discloses a portable device according to claim 25, wherein the device is portable telecommunications device [column 2 «lines 13-26»].

22> As to claim 29, Blount discloses a method of accessing remote data, comprising:
monitoring a user interface for the selection of an item of information from a plurality of items of information presented to the user on a display, each of the items of information being associated with further information stored on a remote server [column 1 «lines 32-47» | column 15 «lines 59-63» where: Blount's hyper-link statements are analogous to a plurality of items of information];

in response to the selection of an item of information from the plurality of items of information, sending a first request to a remote server for the further information [Figure 5 «item 264»];

on receipt of said associated information in response to said first request displaying the further information on the display [column 16 «lines 25-29»];

Blount does not explicitly disclose wherein on presentation of the plurality of items of information to the user a request is sent to a remote server or servers for the further information associated with all of the items of information presented and the items contain a preloadable indication.

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23> Lambert discloses a method wherein on presentation of the further information relating to the first request checking whether the further information contains one or more items of information associated with the further information including a preloadable indication and sending a request for the further information associated with all of the items of information presented including an item associated with the preloadable indication [column 6 «lines 38-39» | column 16 «lines 43-47» | column 20 «lines 5-42» | column 21 «lines 46-67»] for the expressed purpose of prefetching the associated information for all the items of information presented to the user. Therefore it would have been obvious to one of ordinary skill in the art to incorporate Lambert's prefetching functionality into Blount for the obtained advantage of speeding information download to the mobile handheld device, especially useful in the transient world of wireless communications.

24> As to claim 30, Blount discloses a method of accessing remote data from a portable device, comprising:

monitoring a user interface of the portable device for the selection of an item of information from a plurality of items of information presented to the user of the portable device on a display, each said item of information being associated with further information stored on a remote server [column 1 «lines 32-47» where: Blount's hyper-link statements are analogous to a plurality of items of information];

in response to the selection of an item of information from the plurality of items of information, sending a first request to a remote server for the further information [Figure 5 «item 264»];

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waiting for the receipt of the further information in response to the first request
[column 3 «lines 45-56»];

while waiting for the receipt of the further information, in response to a subsequent selection, sending a request for the further information stored on the server which is associated with any non-selected item to the remote server [column 3 «lines 45-56» | column 8 «lines 17-33»],

receiving the further information and storing the further information in memory, forming a list of the selected items of information for which the associated information has been received, displaying the list on the display of the device, monitoring for a selection of an item of information from the list and retrieving from memory the further information associated with the item selected from the list [column 15 «lines 37-63» | column 16 «lines 19-24»].

Blount does not disclose checking items of information for a preloadable indication.

25> Lambert discloses items of information including a preloadable indication, and in response to detecting the preloadable indication, sending a request for more information [column 20 «lines 5-42» | column 21 «lines 46-67» where : Lambert's lookahead tag is analogous to a preloadable indication. For instance, the tag specifies whether or not to perform the lookahead (preload) of images, audio or video files associated with an already retrieved web pages]. The use of a lookahead-type functionality is well known in the art (prefetch, preload, etc) as are its substantial benefits for saving the user time when accessing a network [see Lambert, column 15 «lines 38-40»]. It would have been obvious to incorporate

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Lambert's lookahead tags into Blount's documents to enable preloading capability in Blount's remote data retrieval system. One would have been motivated to provide such lookahead in Blount increase the data retrieval capability of his mobile devices in a wireless network.

26> Claim 17 is rejected under 35 U.S.C § 103(a) as being unpatentable over Blount, Slotznick and Lambert, in further view of Deo et al, U.S Patent No. 5,973,612 ["Deo"].

27> Blount does not disclose a method wherein an icon is presented on the display together with the plurality of items of information.

28> Deo discloses a method of presenting an icon presented on the display [Figure 3 | column 7 «lines 19-25»]. It would have been obvious to one of ordinary skill in the art to incorporate Deo's icon functionality into Blount's response notification system to provide a more visual sign that a response has arrived to the client.

29> Claims 20 and 21 are rejected under 35 U.S.C § 103(a) as being unpatentable over Blount, Slotznick and Lambert, in further view of an Official Notice.

30> As to claim 20, Blount does disclose a list that is ordered but does not explicitly disclose the list is ordered in order of request.

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31> Official Notice is taken that performing the action of ordering responses to requests on a list of results is well known and expected in the art. Such a technique helps the client better organize the results in a fashion that is more amenable to the client's wishes for viewing the responses to his earlier requests first. Therefore, one of ordinary skill in the art would have reasonably inferred that Blount would have incorporated such a list ordering technique into his list creation system to increase the flexibility with which the user can view his results.

32> As to claim 21, Blount does disclose a list that is ordered but does not explicitly disclose that the list is ordered in reverse order of request.

33> Official Notice is taken that performing the action of reverse ordering responses to requests on a list of results is well known and expected in the art. Such a technique helps the client better organize the results in a fashion that is more amenable to the client's wishes to see the responses to his latest requests first. Therefore, one of ordinary skill in the art would have reasonably inferred that Blount would have incorporated such a list reverse ordering technique into his list creation system to increase the flexibility with which the user can view his results.

34> Claim 27 is rejected under 35 U.S.C § 103(a) as being unpatentable over Blount, Slotznick and Lambert, in further view of Zarom, U.S Patent No. 6,356,529.

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35> Blount discloses utilizing wireless devices but does not specifically disclose that the device is a WAP device.

36> However, the use of the WAP (or wireless access protocol) has become ubiquitous in the wireless arena. For example, Zarom discloses that WAP devices are now the standard, their proliferation due to their efficient transport and transmission of data to handheld wireless devices [column 1 «lines 25-35»]. Therefore, one of ordinary skill in the art would have reasonably inferred that Blount's wireless device would be implemented as a WAP device to take advantage of the many advantages provided by the protocol as disclosed in Zarom.

37> As to claims 32, 34, 36, 38 and 44, Blount does not expressly disclose the preloadable indication.

38> Lambert discloses preloadable indication including an attribute indicating that the any non-selected item of information is pre-loadable and associated information for the attribute, and the request for the further information includes the associated information [column 20 «lines 20-29» | column 21 «lines 46-55» | column 22 «line 56»]. It would have been obvious to one ordinary skill in the art to modify Blount's system with Lambert's preloadable indication functionality. Lambert teaches that such functionality would enable users to control what kinds of information are prefetched which can improve network performance.

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39> As to claims 33, 35, 37, 39 and 45, Blount does not disclose that the non-selected item of information includes a link and the attribute and associated information are part of the link. Lambert discloses the non-selected item of information includes a link and the attribute and associated information are part of the link [column 20 «lines 36-41»]. It would have been obvious to one of ordinary skill in the art to modify Blount to include Lambert's lookahead tag functionality incorporated with URLs. The tag functionality helps to provide a method for users to customize which items of information are preloadable.

40> Claims 42, 43 and 46-49 are rejected under 35 U.S.C § 103(a) as being unpatentable over Blount, Slotznick and Lambert in further view of Horvitz, U.S Patent No. 6,182,133.

41> As to claims 42 and 43, Blount does not expressly disclose only showing a list of the selected items for which information has been received without showing any selected items for which information has not been received. However, Blount discloses that a user can delete pending requests from the list. This action would enable one of ordinary skill in the art to have a display with only items for which information has been received. Thus, Applicant's limitations merely automate the user action and is not considered patentably distinct over Blount.

Furthermore, this functionality is akin to displaying a cache of stored information where the cache only displays information that has been received on the client computer. For example, Horvitz discloses showing only a list of the selected items for which information has been received without showing any selected items for which information

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has not been received [column 10 «lines 47-61» : where a user can only see the prefetched information that has been received in the cache].

Thus it would have been obvious to one of ordinary skill in the art to only display items that are already stored on the computer as taught by Horvtiz. Such a modification to would enable users to see and automatically select items of information that have been downloaded to their computer.

42> As to claims 46-49, as they do not teach or further define over the previously claimed limitations, they are similarly rejected for at least the same reasons set forth in claims 19 and 42.

43> Claims 31 and 40 are rejected under 35 U.S.C § 103(a) as being unpatentable over Blount, in view of Lambert.

44> As to claim 31, Blount discloses a method of accessing remote data via a computing device, comprising:

monitoring a user interface for a selection of a first item of information from a plurality of items of information presented to a user on a display of the computing device, each of the items of information being associated with further information stored by a remote server in communication with the computing device [column 1 «lines 32-47» where: Blount's hyper-link statements are analogous to a plurality of items of information];

in response to the selection of the first item of information from the plurality of items of information, sending a first request to the remote server for first further information [Figure 5 «item 264»];

on receipt of the first further information in response to the first request displaying the first further information on the display [column 15 «lines 2-15»];

if the received first further information contains one or more items of information being associated with third further information, sending a third request to the remote server for the third further information associated with the one or more items of information being associated with third further information [column 1 «lines 32-43» | column 10 «lines 39-48» where : the embedded hyper-link statements within an already downloaded HTML page correspond to a one ore more items of information. Therefore, Blount's storing of request queues is directed towards requesting hyper-link statements (associated items of information) from an HTML page (further information)]; and

on receipt of the first further information, presenting to the user an indicator indicating that the first further information is available locally [column 15 «lines 61-63»].

Blount does not expressly disclose a preloadable indication.

45> Lambert discloses items of information from a plurality of items of information including a preloadable indication, and in response to detecting the preloadable indication, sending a request for more information stored on the server which is associated with the non-selected item to the remote server [column 20 «lines 5-42» | column 21 «lines 46-67» where : Lambert's lookahead tag is analogous to a preloadable indication. For instance, the tag

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specifies whether or not to perform the lookahead (preload) of images, audio or video files associated with already retrieved web pages]. The use of a lookahead-type functionality is well known in the art (prefetch, preload, etc) as are its substantial benefits for saving the user time when accessing a network [see Lambert, column 15 «lines 38-40»]. It would have been obvious to incorporate Lambert's lookahead tags into Blount's documents to enable preloading capability in Blount's remote data retrieval system. One would have been motivated to provide such lookahead in Blount increase the data retrieval capability of his mobile devices in a wireless network.

46> As to claim 40, as it does not teach or further define over the previously claimed limitations, it is similarly rejected for at least the same reasons set forth for claim 32.

Conclusion

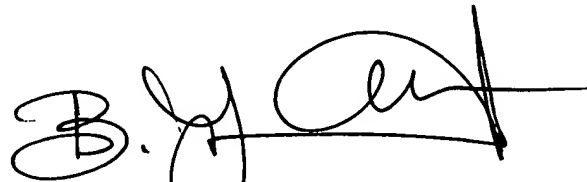
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dohm Chankong whose telephone number is 571.272.3942. The examiner can normally be reached on Monday-Thursday [7:00 AM to 5:00 PM].

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on 571.272.3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DC

A handwritten signature in black ink, appearing to read 'B. Jaroenchonwanit', with a large, stylized flourish extending to the right.

**BUNJOB JAROENCHONWANIT
SUPERVISORY PATENT EXAMINER**